



---

## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, July 7, 2016  
Approved August 4, 2016

[6:08:12 PM](#) **6:00 PM - Work Meeting:** *(Front Conference Room)*

### Attendance

#### **Planning Commission Members:**

Chris Berbert  
Jeremy Burkinshaw  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith

#### **Council Members:**

Mayor Freeman, Coralee Wessman-Moser

#### **City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Blake Thomas, City Engineer

City Planner, Bryn McCarty informed the commission regarding a change to Gina Road in the Ivory Homes development on the Hamilton property. There was a concern with Gina Road being such a straight shot out of the subdivision. They would like to put a bend in the road so it will not be such a straight shot out and engineering was okay with it. City Engineer, Blake Thomas reported a concern with the road being very busy and felt that putting a bend in the road will actually slow traffic down. There was also a concern of people cutting through the subdivision to avoid the main road. He believes the bend in the road may reduce the amount of people who would use the subdivision to cut through. Staff asked commission if they could move forward with the change or if they would need to put it on a future agenda. The commission felt fine about staff moving forward with the change.

Mayor Freeman asked about the soccer field and whether there was sufficient parking for three fields in that area. Chair Smith explained that the commission required the applicant to work with Herriman City Parks Department for the designing of the park. They are unsure how many fields will fit there but sufficient parking would be required.



### Review of Agenda Items

Item 2.1 – Public Right of Way Dedication – Chair Smith asked if the applicant was willing to make the whole dedication even though they are only constructing part of the road. Planner, McCarty explained

that the applicant would need to answer that question and reminded commission that they could approve the proposal contingent to the council decision because it's not changing the location of the road. Chair Smith suggested that it could be a recommendation in the approval. Planner, McCarty reminded him that they are approving a plat, not making a recommendation but it could be included in the motion.

Item 2.2 and 2.3 – Applicant requested to continue the items to work through engineering issues; storm drain, private road and public road.

Item 2.4 and 2.5 – Rosecrest Communities, Pod 8 – The development had included a piece that the community college wants to purchase. The applicant originally provided two options but now with the college moving forward with the purchase they are presenting only one for approval. There was going to be 125 townhome units but with that purchase there will now only be 97 units.

Item 2.6 and 2.7 – Park House at Rosecrest – the applicant proposed changing it from single family to townhomes, the commission had concerns with that proposal and the applicant changed it back to single family homes. Matt Watson explained that the previous proposal had 50 more units and it was a mix of townhomes and single family. The new proposal will be for all single family. There will be 20 more units than originally proposed. The overall Park House development was 181 lots for all phases. With this proposal there would be 201 lots. Chair Smith thought the proposal was better than the previous one. Mr. Watson reported that the right of way and setbacks will be the same as before. He also noted that in the staff requirements number nine states that they are required to provide an additional 40 feet of right of way for future transit, however, it is actually 30 feet and has already been dedicated. Chair Smith suggested it state that the dedicated 30 feet needs to be landscaped and maintained by the HOA.

Item 2.8 – Forman Flag Lot – City Planner, McCarty expressed loving the flag lot ordinance. She liked having the requirements spelled out in the ordinance. It made it easy to answer questions through the process. The proposal meets the ordinance for lot sizes and length of driveway. There will be an exception for the side yard setback; the ordinance requires eight feet but they only have six feet. The applicant would like an exception for fencing. There is existing chain link fencing around the property but the ordinance has a requirement for six foot vinyl fencing around all sides unless an exception is granted. The commission felt the requirements were changed to help replace fencing that is not to city standard.

Item 2.9 – Everill Wood Fence – City Planner McCarty reported that the proposed wood fence was on property that was part of the Dansie annexation in Lazy Creek Cove. The property was previously part of the county. The owner has always planned to build a fence. He recently started building the fence and the neighbor called the building department wondering if they needed a permit because it was taller than seven feet. When the building department went to the property the fence did not require a permit but they did inform the owner that our current fencing ordinance does not allow for a wood fence. The owner read the ordinance and called the city when he saw that it allows for an exception. Planner McCarty explained that he could ask the commission for an exception. By the time the owner received notice of the ordinance, the fence was almost complete, he only had one panel left to install. She explained that perhaps an exception could be granted because the area was just recently annexed and each lot is an acre. Commissioner Shakespear thought that the exception could also include a requirement for maintenance for the life of the fence. Planner McCarty emphasized that the area is very different and noted that the home is a log home.

Item 2.10 – Oak Hollow CC&R's – The home proposed for the subdivision will be beautiful. The homes are difficult to describe in written CC&R's. The homes will have a very different style for the area. Some of the styles do not have any brick or stone, while many of the styles do. Some of the roof pitches are

flatter than what is allowed by ordinance. The applicant explained that the majority of the elevations will have brick or stone. However, one style he'd like to build in the parade of homes is a modern farmhouse look and it does not have any brick or stone. It is all masonry but it is painted. Planner McCarty reminded the commission that the subdivision was approved prior to the new ordinance and that is the reason for the CC&R's. The applicant added that no stucco is allowed in the development. Commissioner Jacobson suggested that the commission could require the applicant to follow the standard, however, if one home deviates to bring it back for approval. The applicant felt fine with his suggestion he just wanted to move forward with the subdivision. He felt that he had good direction and asked if he needed to stay for the main meeting. The commission said they could continue the item at his request. Commissioner Berbert was unclear about the reinvestment fee, item 4.3.1 in the CC&R's. Matt Watson offered how that fee works in their developments; a portion of the fee goes to the HOA to set up the account and the other portion goes into a reserve fund for maintenance and upkeep. Commissioner Berbert wondered if the development is in A.25 which would allow for animals and the response was yes. He noted that item 6.9 would need to be removed because it states no animals are allowed. Item 6.14 talks about allowing rentals unless city ordinance prohibits it; because the ordinance prohibits rentals, it would make more sense to remove that item. Item 6.16 talks about maintaining temporary structures and it should just be removed. Item 14.2.3 and 14.2.4 talks about entering private residences and he thought that should be looked at legally. Applicant requested that staff email him a list of the items discussed and he could probably just remove the items. A brief discussion about the elevation that would be built as the model home took place. It was noted that it has a metal roof and the commission was fine with it.

Item 2.11 – Academy Parkway Right of Way – They have started grading for the road. City Engineer, Blake Thomas explained that the road will be five lanes and the bike lane was moved to an adjacent trail. There is no parking allowed on the road.

Item 3.1 – General Plan – Planning commission suggested some changes to the plan and Planner McCarty made those changes. Green space was added back into the commercial area. Majestic Oaks was changed to agricultural residential. Commissioner Berbert wondered if a light industrial area was added. The response was no, however, the commission could add an industrial area if they would like to. Planner McCarty thought they would wait until they had more information for the project and after it goes to council. The demographics and housing section needs to be updated with the most recent data.

City Planner McCarty asked who would be available for the next meeting on July 21, 2016. Commissioner Burkinshaw was disappointed to find out the interviews for a new planning commission member had already taken place. He thought that he would be invited to attend. Chair Smith explained that he misunderstood his desire and that the decision was ultimately the Mayor's decision.

Mr. Everill addressed the commission about item 2.9 and shared a brief history about the fence. Chair Smith explained that the commission would give him an opportunity to present his statement during the meeting.

6:59:50 PM Meeting Adjourned



**Attendance**

**Planning Commission Members:**

Chris Berbert  
Jeremy Burkinshaw  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith

**Council Members:**

Mayor Freeman, Coralee Wessman-Moser

**City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Cindy Quick, Deputy Recorder  
Blake Thomas, City Engineer

**1. General Business:**

**Welcome**

Chair Clint Smith welcomed those in attendance.

**1.1 [7:09:15 PM](#) Invocation and Pledge**

Val Steadman offered the invocation and Chad Everill led us in the pledge.

**1.2 [7:09:36 PM](#) Roll call:**

Full Quorum, Wade Thompson absent

**1.3 [7:10:37 PM](#) Approval of Minutes for: June 16, 2016**

Commissioner Chris Berbert **MOVED** to approve the minutes for June 16, 2016.

Commissioner Robyn Shakespear **SECONDED** the motion.

The voting was unanimous.

Vote passed.

Motion carried.

**2. Administrative Items:**

*Administrative items are reviewed based on standards outlined in the ordinance. Public comment is taken on relevant and credible evidence regarding the applications compliance with the ordinance.*

Chair Smith noted the public hearings that remained open from the last meeting and reviewed the public comment policy and procedure. He also mentioned that item 2.2, 2.3 and 2.10 will be continued, per the applicant's request.

2.1 [7:13:02 PM](#) **13S16** – Rosecrest Communities, LLC – 4700 W Juniper Crest Rd – Proposed Subdivision for a Public Right of Way Dedication – Zone: R-1-15 – Acres: 7.55 (*Public Hearing held on June 16, 2016*)

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The item proposed was for a plat for the road dedication for Juniper Crest. There were questions regarding the width of the road. Planning Commission would be approving the plat and city council will make the decision on the width. During the joint meeting with commission and council, they discussed being fine with a 90 foot road built now and to require additional right-of-way dedicated for the ability to widen the road in the future.

Matt Watson, Rosecrest Communities, explained that previous discussions were about the need for three lanes accommodating the bike lane and shoulder. The city did a study which verified that three lanes were necessary versus the desired five lanes. The council does want to maintain a six foot right of way in case the traffic models are wrong and there is a higher demand in the future. The right of way would be available if there is a need for a five lane road instead of the three lane road.

Commissioner Chris Berbert **MOVED** to approve the item with staff recommendations and all requirements that they have listed.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:16:27 PM](#) **17S16** – Rosecrest Communities, LLC – 4600 W Juniper Crest Rd – Proposed Subdivision of 83 Single Family Lots (Pod 32) – Zone: R-1-15 – Acres: 17.46 – Units: 83 (*Public Hearing opened on June 16, 2016*)

Chair Smith reminded those present that the applicant requested item 2.2 and 2.3 be continued.

Commissioner Adam Jacobson **MOVED** to continue the item.

Commissioner Jeramy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

**2.3     [7:17:12 PM](#)     56C07-15 – Rosecrest Communities, LLC – 4600 W Juniper Crest Rd – Final Planned Unit Development Approval for 83 Single Family Lots (Pod 32) – Zone: R-1-15  
Acres: 17.46 – Units: 83**

Commissioner Adam Jacobson **MOVED** to continue the item without date.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

**2.4     [7:17:37 PM](#)     19S16 – Rosecrest Communities, LLC – 14473 S Autumn Crest Blvd – Proposed Subdivision of 125 Townhome Units (Pod 8) – Zone: MU-2 – Acres: 7.92 – Units: 125 (*Public Hearing opened on June 16, 2016*)**

Chair Smith noted that item 2.4 & 2.5 will be discussed together.

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The item was for Subdivision and PUD approval. She explained that at the last meeting the community college expressed their desire to purchase lot A.

Matt Watson, Rosecrest Communities, oriented the commission with a site plan. He explained that Pod 8 would now hold 97 units. Park House would have 20 additional units instead of 30. Open Space Requirements were shown. He reported that Lot A is under contract with SLCC for purchase. The minimum setbacks would be 20 feet to the living space 17 feet to the porch.

Commissioner Jessica Morton asked if the units would have double car garages. The response was no, the units would have single car garages and single car driveways. There would be a minimum setback of 18 feet. He pointed out the 21 off-street parking stalls which ensure the 2.2 stalls per unit. Commissioner Chris Berbert asked for clarification on the setbacks for the units along the 66 foot right of way. The response was that the setbacks would be 20 feet to the living space and 17 feet to the porch. The front door of the homes would face the 66 foot right of way. A brief discussion about the layout of 4000 West took place. There will be a sidewalk along that road and a difference in grade from the road to the home. The units do not have basements. There would not be parking on

4000 West. Commissioner Jacobson asked about the square footage for the units. The applicant was not certain but thought the units would be about 1,800 square feet. He reported that the elevations would be brought back for approval.

Chair Smith clarified that the units would be 97 townhomes instead of 125 as listed on the agenda. Commissioner Jacobson wondered where the parking requirement came from. The response was that the ordinance only requires 2 stalls per unit, however, the applicant was showing 2.2 stall per unit. The parking ordinance would not affect Rosecrest design guidelines.

[7:27:42 PM](#) Chair Smith continued the public hearing and called for any citizen who would like to speak on this item to come forward.

#### **Citizen Comments:**

None

[7:27:59 PM](#) Chair Smith closed the public hearing.

Commissioner Adam Jacobson **MOVED** to approve the item with staff recommendations and alteration to number nine to incorporate the current dedicated 30 foot right of way and that it will be maintained by the HOA and landscaped.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

#### **2.5 [7:28:47 PM](#) 56C07-16 – Rosecrest Communities, LLC – 14473 S Autumn Crest Blvd – Final Planned Unit Development Approval for 125 Townhome Units (Pod 8) – Zone: MU-2 – Acres: 7.92 Units: 125**

Commissioner Adam Jacobson **MOVED** to approve the item with staff requirements.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes

Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

**2.6     [7:29:25 PM](#)     [14S15-01](#) – Rosecrest Communities, LLC – 14401 S Autumn Crest Blvd – Subdivision Amendment to Change 44 Single Family Lots to 94 Townhome Units (Park House at Rosecrest) – Zone: MU-2 – Acres: 11.20 – Units: 94 (*Public Hearing opened on June 16, 2016*)**

Chair Smith noted that items 2.6 & 2.7 will be discussed together.

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The submission was previously single family and they presented an amendment to change it to townhomes, however due to concern from commission, they changed it back to single family instead of town homes. The items are for subdivision and final PUD approval.

Matt Watson, Rosecrest Communities, provided the number of units and tabulation update. He showed the original plan with single family lots and pointed out the road layout. In switching back to single family it will have the same roadway. The south road would be the only private road which will allow two accesses. Commissioner Jacobson asked if lot 199 and 200 would access the public road, the response was yes.

[7:33:36 PM](#)     Chair Smith continued the public hearing and called for any citizen who would like to speak on this item to come to the podium.

**Citizen Comments:**

None

[7:33:50 PM](#)     Chair Smith closed the public hearing.

Commissioner Jacobson asked to see the correct map with the alignment of the staggered road. Mr. Watson explained that the map presented during the meeting was correct, however, the map was not in their packets. Commissioner Jacobson was very concerned about lot 198 being very small and very close to a future trax line. Mr. Watson explained that he could rotate the lots to the public right of way and making sure there would be no driveways in the first intersection. Commissioner Jacobson agreed but was still very concerned with the location and size of the lot.

A discussion about the road alignment between the two developments took place. Commissioner Jacobson was concerned about how the alignment would work. Chair Smith noted that the previous items (item 2.4 & 2.5) would be affected by the road alignment shown. Mr. Watson



reported that he would make sure the road ways line up. Commissioner Jacobson would like to see how it will work before he would approve the item.

Chair Smith thanked the applicant for taking the feedback offered from the commission and his willingness to make changes to the plan.

Chair Smith allowed Val Steadman to comment. Mr. Steadman suggested that Rosecrest remove one of the small lots of concern, make the remaining lot bigger and include more landscaping as an entrance to the subdivision.

Commissioner Adam Jacobson **MOVED** to continue the item without date.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

**2.7     [7:42:34 PM](#)     56C07-10 – Rosecrest Communities, LLC – 14401 S Autumn Crest Blvd – Planned Unit Development Amendment to Change 44 Single Family Lots to 94 Townhome Units (Park House at Rosecrest) – Zone: MU-2 – Acres: 11.20 – Units: 94**

Commissioner Adam Jacobson **MOVED** to continue the item without date.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

**2.8     [7:43:00 PM](#)     20S16 – Forman – 5862 W 13000 S – Proposed 2 Lot Subdivision – Zone: A-.25 Acres: .89 – Units: 2 (*Public Hearing*)**

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The proposal was for a two lot subdivision using the new flag lot ordinance adopted last year. The existing home in the front meets the minimum 10,000 square foot requirement and the lot in back meets the minimum half acre requirement. The driveway is 20 feet. They are asking for an exception on the side yard setback to be six feet instead of the eight foot requirement. The flag lot ordinance does require fencing the entire property. The applicant would like to talk about an exception to the fencing requirement. Pictures of the property were shown.

Rodney Forman (applicant), 5862 W 13000 S, felt that a fence was not needed in the back because there were only sheds. Jim Forman explained that the back lot is already fenced in and he would be moving into the back lot to be closer to his dad. Rodney Forman asked for an exception on the side yard setback.

[7:46:15 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

#### **Citizen Comments:**

Chair Smith reported that Jerry Walker provided a written comment to encourage this type of development in the area.

Val Steadman, 12964 S 5900 W, was not concerned about the six foot side yard. He asked for clarification on the requirement for the surface of the driveway. The response was that the requirement was for a 12 foot paved driveway.

[7:48:02 PM](#) Chair Smith closed the public hearing.

Commissioner Chris Berbert asked about the existing fence lines. The neighbor does have a fence. There is an existing fence from the back of the home as well. The fencing was pointed out on the site plan and Jim Forman outlined the existing fences.

Commissioner Jeramy Burkinshaw was okay to make an exception on the six foot side yard. He would require a vinyl fence around the perimeter of the property except where the masonry fence exists. Chair Smith and Commissioner Jacobson agreed. Chair Smith explained that those requirements were made to keep with the city standard and felt the commission should stand by the ordinance. The location of the fencing requirement was outlined for the applicant. Rodney asked about the time frame for the fence requirement, he wondered if it could be installed at a later date. The commission explained that it would be very difficult to allow the installation of the fence to be at a later date. Chair Smith explained that the decisions made when creating the flag lot ordinance were difficult, however they felt the ordinance was necessary to preserve the look and feel of the city. Chair Smith explained that the back lot needs to be it's own separate lot and the issues that arise when doing so are tough to wrestle with. The applicant was strongly opposed to the fence.

Commissioner Jeramy Burkinshaw **MOVED** to approve the item with recommendations as outlined by staff, with a modification to item number four that all perimeter of the lot is enclosed by the standard six foot vinyl (fence) with the exception of the west side of the lot where the existing masonry fence is and a four foot (fence) at the front of the house for line of site.

Commissioner Robyn Shakespear **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

## 2.9 7:59:14 PM **34C16 – Everill – 13064 S Lazy Creek Cove – Request for an Exception to the Fencing Ordinance – Zone: A-1 – Acres: 1.2**

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The property is part of the Dansie annexation. The fencing ordinance went into effect last year that does not allow wood fences. The ordinance does allow for the planning commission to give an exception. The owner built the fence unaware of the ordinance. Pictures of the property were shown. She requested that if the commission provides an exception to please clarify the reasons for the exception.

Chad Everill, 13064 S. Lazy Creek Cove, described the area he lives has four properties on a private dirt drive. He lives at the lowest elevation and privacy was at a premium. He asked for an exception to allow the eight foot wooden fence. He reported that he had discussed the fence with the owners to the south who are on an elevated plain. The owners could not help with the cost of the fence, so the Everill family saved and prepared to build the fence on their own. He stated that on June 6, 2016 he laid out the wood to dry, about a week later a complaint was filed. He explained that he called blue stakes and Herriman City's website didn't indicate that a permit was needed for the fence. His family built the fence together, it was only after that a Herriman City employee let him know about the ordinance. He asked the commission to allow them to keep the fence that his family saved for two years to purchase.

Chair Smith received a written comment from Janice Braegger and allowed her to address the commission.

Janice Braegger, 13094 S. Lazy Creek Cove, lives south of the Everill's home. She likes the fence and felt that it will make a good neighbor. She mentioned that she does not have money to install the fence. The fence was installed while she was on vacation and felt it was a good surprise. She did have concerns, however, that the slats were not secured to the fence and reported that they flap

when it's windy. She wondered about the last section that was not yet complete and the direction that the owners will be entering the lot because they have always entered in the garage from the south. She reiterated that she has no problem with her neighbor installing the fence but wondered if they would be staining both sides of the fence or not. She thought the fence should stay.

Mr. Everill addressed Ms. Braegger's concerns. He explained that he has proof of the wood had been sitting outside for a week and a half before the fence was installed. He reported that the slats would be moved together, where there is gapping, if he was allowed to continue the installation of the fence. He stopped construction because the notice from a Herriman employee was to stop construction immediately. He will complete the fence in a sturdy manner if the fence is allowed. He responded to Commissioner Berbert that the fence was made out of cedar. He also noted that the fence was built within his property border so he can maintain both sides while remaining on his property.

Janice Braegger offered a rebuttal. Chair Smith asked for her to keep the decorum of the meeting.

Commissioner Berbert felt that the fence should be allowed. He realized that Mr. Everill purchased the home three years ago and had been planning for the fence and saving up for it. He felt an exception should be granted and the main reason was because the fence was planned for before the fencing ordinance change was made in planning.

Commissioner Jacobson agreed with Commissioner Berbert but felt that if the wood should become irreparable then the applicant should be required to meet the current ordinance. Chair Smith felt there should be required yearly maintenance. He explained that the reason wood is not allowed in the ordinance is due to maintenance. Commissioner Burkinshaw felt that a variance seemed appropriate but if it falls in disrepair that that fence should be removed. Commissioner Berbert suggested that if the fence falls in disrepair that it either be removed or replaced with something that falls within the city guidelines. Commissioner Shakespear felt that the exception should be for the life of the wood.

Commissioner Chris Berbert **MOVED** to approve the exception for the fencing, in this case wood, with a couple of items to be added; one that all repairs on the fence will be required by the applicant and also maintenance, that it will be required by him. The second being that once the fence has got to a point where it is not able to be maintained and either needs to be replaced or torn down, his options are to replace it according to the city guidelines or tear it down completely. They are allowed to complete the construction.

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

**2.10    [8:15:41 PM](#)    [25C06](#) – Jessop – 6767 W Rose Canyon Rd – Final Approval for the CC&R's for Oak Hollow – Zone: A-.25**

Chair Smith explained that during the work meeting feedback was provided to the applicant and the applicant asked for the item to be continued to allow corrections to be made to the CC&R's.

Chair Smith explained that direction was provided to the applicant that he add language to the CC&R's that reflects the city standard and that those elevations that do not need meet the standard would come individually before the commission on a case by case basis to be approved.

Pictures of the home elevations were shown.

Commissioner Adam Jacobson **MOVED** to continue the item without date.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

**2.11    [8:18:36 PM](#)    [21S16](#) – Herriman City – 3950 W Academy Parkway – Proposed Subdivision for a Public Right of Way – Zone: A-1, MU-2, R-2-15 – Acres: 10 (*Public Hearing*)**

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The item was for a proposed subdivision for a public right of way. Academy Parkway is where the commission approved the RSL Training Academy. They have started grading and preparing the site. The commission would approve the plat to dedicate the road to the city. It would be a 90 foot right of way.

City Planner, McCarty explained that on the general plan the area was previously residential and would now change to commercial, at the request of the property owner. The commission will see a rezone application to rezone the area. Commissioner Berbert asked about planned traffic lights for the area.

City Engineer, Thomas reported that a signal is planned for Bruin View and Academy Park Way and that a signal will be installed by UDOT on Mountain View. The road will be a wide road with five lanes and stop controlled. At event times, traffic would be directed by police.

[8:22:05 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

#### **Citizen Comments:**

Val Steadman, 12964 S 5900 W, questioned the 106 foot right of way on Juniper Crest. The response was that the road would be a 90 foot right of way. He was concerned that commercial in the area would bring more people and the city should plan for that.

[8:23:53 PM](#) Chair Smith closed the public hearing.

Commissioners felt that as long as the proposal works with the traffic study they were okay with the plan. City Engineer, Blake Thomas reported that the city did a traffic study and there was a concern for the peak traffic that would happen sporadically. The area would be designed for typical traffic. The commercial center area would have a wider road with turn lanes and a 126 foot right of way. There would also be a ten foot wide side walk to act as a bike lane. Infinity Consultants is designing the plan with Real Salt Lake.

Mr. Steadman wanted to ensure that the traffic study included the density. The commission explained that density is included with the traffic study. Mr. Steadman requested that a larger road was needed. Chair Smith requested that he have a discussion with staff regarding his concerns.

Chair Smith explained that he trusts the studies that are done by the city and the recommendations that are made. Commissioner Adam Jacobson trusts city staff as well but does want them to be consistent with the expectations they have of developers; typically commission receives the transportation study and the right of way width is included. Commissioner Burkinshaw agreed with Commissioner Jacobson he would expect a higher quality application from the city and he would like the item continued until the commission receives the information.

Chair Smith explained that the city engineer was present during the meeting and presented information about the study and did not feel it necessary to hold up the item because the information shared would be in the report it would not change.

Commissioner Jacobson offered a rebuttal that the map in the packet does not include a right of way and felt the study should be part of the packet as well.

Commissioner Berbert asked commissioners if they felt enough was missing that a decision could not be made during the meeting. Chair Smith agreed and thought it may be held up unnecessarily

because the same information would be provided on a report as was provided during the meeting. He felt holding them to the same standard moving forward would suffice.

Commissioner Jacobson reviewed the request submitted, he noted that it was a proposed subdivision of a public right of way but there was no mention of the width. Recommendations from staff included discussions and did mention a 90 foot width but based off the official public record, there was no mention of 90 feet. The overall map does not show 90 feet on the right of way and neither did the map. He felt it was not consistent with what was presented to the commission.

Commissioner Jeremy Burkinshaw **MOVED** to continue the item without date.

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	No
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	No
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

### 3. **Legislative Items:**

*Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.*

#### 3.1 **8:36:35 PM 01G16 – Herriman City – Proposed Amendment to the 2025 General Plan (Public Hearing held on June 16, 2016)**

City Planner, Bryn McCarty oriented the commission with changes made to the general plan. A new map with changes requested in previous meetings was shown. There were no changes made to the text, the only thing that will change in the document would be acreage numbers, based on changes to the map. This would be a recommendation to the council. The council will have a second public hearing and make the final decision.

Commissioner Burkinshaw questioned if there would be additional changes made before it moves on to city council. City Planner McCarty explained that the only change would be for six acres of open space which would change the table. The map being shown would be the map the council would see. The acreage in the document was not updated because she wanted to see if the commission had any additional changes to the map before updating the tables.

Jerry Walker turned in a written comment form and wanted it to be part of the public record. The comment stated that the low density agricultural is too overreaching in the north west part of the

city and old town. Changes to the A.25 zone have made it unattainable. Most of the A.25 zone is now nonconforming use.

Chair Smith commented that the general plan is a living document and thanked staff for the phenomenal job they do in keeping it up to date and identifying areas of concern. Commissioner Berbert agreed and appreciated the work that staff does. Commissioner Jacobson agreed, he thought the plan looked great. He understood that the numbers would not be updated until they approved it. Commissioner Morton thanked staff for their hard work as well.

Commissioner Jessica Morton **MOVED** to recommend approval to city council for the item.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

#### 4. New Items of Subsequent Consideration:

Commissioner Burkinshaw reported being disappointed in the process that was followed to interview additional planning commission members. He explained that a couple of the planning commission members had asked to be part of those interviews. He encouraged the commission and staff to be more transparent and have adequate communication between staff and commission members. Commissioner Jacobson echoed his statements. He understood that staff does the best they can to communicate changes and he understood that developers do make changes at the last minute. However, he would like to be sure that both staff and commission have the same information and understand the same process, for the whole group. He wants them to move forward as a group, unified. Commissioner Burkinshaw added that he would like to discourage side bar conversations that affect the commission but that not all of the commission is privy to.

Chair Smith explained that he is for transparency in all aspects of city government and apologized if he had a misunderstanding that there was a desire from planning commission members to participate should the possibility be presented. He felt that as the chair he has been appointed by the Mayor and City Council and didn't feel that he had the opportunity to dictate what the process should be. He stated that he would do better with communicating the desire of the planning commission but does not have the authority that they will or will not include anyone in the next process. The recommendation comes from the Mayor and with the advice and consent of the council.

Commissioner Burkinshaw questioned why staff, the Mayor and the chair were chosen to hold a discussion (about the process). Chair Smith responded that it was due to responsibilities of the positions and the



discussion was appropriately held. He apologized if he gave the impression that he had the authority to change the process, he does not have that authority. He reiterated that he will be better at communicating in the future and that direction was provided from the Mayor. Commissioner Burkinshaw, as the Vice Chair, made recommendation that all planning commission members are invited to attend interviews for additional planning commission members. He formally stated that he would like to participate in the process. Chair Smith said he will pass it on to the Mayor and explained that he was not trying to appear not to be transparent or to exclude people.

5. **Future Meetings:**

5.1 City Council Meeting – Wednesday, **July 13, 2016 @ 7:00 PM**

5.2 Planning Commission Meeting – Thursday, **July 21, 2016 @ 7:00 PM**

City Planner McCarty reported that the meeting on July 21<sup>st</sup> may be cancelled due to not having a quorum to conduct business.

6. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.

Commissioner Jessica Morton **MOVED** to adjourn the meeting and Commissioner Chris Berbert **SECONDED** the motion. The voting was unanimous. Motion carried.

The meeting adjourned at 8:49:05 PM.

*I, Cindy Quick, Deputy Recorder of Herriman City hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 7, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



Cindy Quick, CMC  
Deputy Recorder